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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,165	03/10/2004	Kenji Abe	848075-0074	9074

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SCHULTE ROTH & ZABEL LLP
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919 THIRD AVENUE
NEW YORK, NY 10022

EXAMINER

NGUYEN, TUAN DUC

ART UNIT	PAPER NUMBER
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2614

MAIL DATE	DELIVERY MODE
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09/24/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/800,165

Applicant(s)

ABE ET AL.

Examiner

Tuan D. Nguyen

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION:

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 14 and 16-24 is/are rejected.
- 7) ☒ Claim(s) 8-13 and 15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 20 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

Claim 20 recites the limitation "the bottom wall surface" in page 50 line 2.

There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-7, 14, 16-24 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S patent number 7,117,009 (Wong et al).
6. Regarding claims 1, 2 Wong et al discloses a portable terminal having a first casing (110, 510, 710) and a second casing (130, 530, 730), wherein the casings have respective first and second surfaces facing a user of the portable terminal, the portable terminal comprising: a rotating mechanism (180, 580, 590, 780, 782, 784) coupling the first casing to the second casing and inclining the first casing relative to the second casing during at least an initial stage of rotating the first casing relative to the second casing, whereby the surfaces substantially face the user when rotating the first casing relative to the second casing.

Regarding claims 3 and 4, Wong et al also shows wherein the rotating mechanism has angle control means for varying an angle formed between the first and second surfaces during the relative rotation of the first casing and the second casing (see figures 1-7).

Regarding claim 14, Wong et al also shows wherein the rotating mechanism has positioning mechanisms at least in a position in which the first and second casings are superposed on each other and in a position in which

one of the first and second casings is rotated substantially 180 degrees from the position (see figures 1-3, 5-7).

Regarding claim 16, Wong et al further shows wherein the first surface of the first casing facing the user includes a display unit (120, 440, 620, 720) and/or a speaker, and wherein the functions on the second surface of the second casing facing the user includes an operation unit and/or a microphone (170).

Regarding claims 17-21, Wong et al also shows two casings superposable on each other in the direction of thickness and a coupling mechanism for enabling the two casings to rotate around a first reference axis extending in the direction of thickness, and for coupling the first casing to the second casing so as to be pivotable around a second reference axis perpendicular to the first reference axis, wherein there is provided a depression on an opposed face of one of the two casings opposed to each other in the closed configuration where the two casings are superposed on each other, and there is provided a protrusion inserted to the depression on the opposed face of the other of the two casings (see figures 1- 3, 5-7).

Regarding claims 22-23, Wong et al discloses an opening or closing method for use in a portable terminal having a rotating mechanism (180, 580, 590, 780, 782, 784) for coupling ends of a first casing (110, 510, 710) and a second casing (130, 530, 730) superposed on each other, and for opening or closing the portable terminal by rotating the first casing relative

to the second casing with surfaces of the same side in the first casing and the second casing directed substantially in the same direction, wherein the first casing is relatively spaced away from the second casing at least in an initial stage of the rotation of the first casing

Allowable Subject Matter

7. Claims 8-13 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan D. Nguyen whose telephone number is (571) 272-8163. The examiner can normally be reached on M-F 6:30-3:00.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curt Kuntz can be reached on (571) 272-7499.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2614

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TDN
9/11/07


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